

BOARD OF APPEALS CASE NO. 4910

BEFORE THE

APPLICANTS: William & Sharon French

ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the required side yard setback; 205 Jackson Boulevard, Bel Air

OF HARFORD COUNTY

Hearing Advertised

Aegis: 4/7/99 & 4/14/99

Record: 4/9/99 & 4/16/99

HEARING DATE: May 26, 1999

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### ZONING HEARING EXAMINER'S DECISION

The Applicants, William and Sharon French, are requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required total 30 foot side yard setback for both sides, in an R2 District.

The subject parcel is located at 205 Jackson Boulevard in the Third Election District. The parcel is identified as Parcel No. 829, in Grid 1-C, on Tax Map 49. The parcel contains .247 acres, more or less, all of which is zoned R2.

Mr. William French appeared and testified that the subject parcel is improved by a single-family dwelling and a storage shed with dimensions of 12 feet by 16 feet. The witness said that he is requesting a variance to construct an addition to the dwelling with dimensions of 6 feet by 24 feet. The Applicant said he is requesting a 5 foot area variance because the Code requires a 30 foot setback and he is proposing a 25 foot side yard setback.

The Applicant said the subject parcel is unique because of its exceptional narrowness and because most of the homes in the area are much wider than his dwelling. Mr. French said that denial of the variance would cause practical difficulty because he would be unable to expand the size of his dwelling, and that he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because several of his neighbors have received variances to construct additions to their dwellings.

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Mr. Ted Lewinski, 207 Jackson Boulevard, appeared and testified that his property adjoins the Applicants' property. Mr. Lewinski said that the Applicants' home is smaller than most of the other homes in the neighborhood and that he did not feel approval of the variance would have an adverse impact on the neighborhood.

The Staff Report of the Department of Planning and Zoning did not make a recommendation, but provides:

"The Applicants are requesting a minor area variance pursuant to Section 267-36(B), Table V, of the Harford County Code to construct an addition within the total 30 foot side yard setback (25 feet proposed), in an R2, Urban Residential District. The Applicants' site plan reflects an average setback on the left side of 11-1/2 feet and 13-1/2 feet on the right side. Due to the style of the home, this is the only practical location to accommodate the proposed addition. The addition should have little or no adverse impact on the intent of the Code and/or the adjoining properties."

### CONCLUSION:

The Applicants are requesting an area variance to Section 267-36(B), Table V, of the Harford County Code, which requires a total of 30 foot side yard setback. The Applicant is proposing a 25 foot total of both setbacks. The Applicant said that the subject parcel is unique because of its exceptional narrowness and that denial of the variance would cause practical difficulty. The Applicant and an adjoining property owner both testified that they did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because other neighbors have received variances to construct additions on their parcels.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, the variance is hereby recommended, subject to the condition that the Applicants obtain all necessary permits and inspections for the addition.

Date JUNE 11, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner